



Winston Hickox
Secretary for
Environmental
Protection



Gray Davis
Governor

MINUTES OF
REGULAR MEETING
Friday, October 26, 2001
REGIONAL WATER QUALITY CONTROL BOARD

Friday, October 26, 2001, 8:30 a.m.

Chairman Gary Shallcross called the meeting of the Central Coast Regional Water Quality Control Board to order at 8:33 a.m. on October 26, 2001, in the Conference Room of the Central Coast Regional Board Office, 81 Higuera Street, Suite 200, San Luis Obispo, California.

1. Roll Call..... Executive Office Technician Carol Hewitt
[8:33 to 8:35 p.m.]

Board Members Present:

Chairman Gary Shallcross
Vice Chair Leslie Bowker
Vice Chair Bruce Daniels
John Hayashi
Jeffrey Young

2. Introductions..... Executive Officer Roger Briggs

Executive Officer Roger Briggs introduced staff and asked all interested parties who wished to comment to fill out testimony cards and submit them. Mr. Briggs covered Supplemental Sheets and responses to Board questions and answers (Q&A responses) for items 5, 7, 8, 9, 10, 12, 14, 16, and 19.

California Men's Colony, waived their right to a hearing.

Mr. Richard Katz, State Board representative, is not in attendance at this meeting.

Mr. Briggs noted that Item #11 – City of Pismo Beach, was deferred to the December meeting. Item #12 –

3. Approval of Minutes for September 14, 2001 Meeting..... Board Motion

MOTION: Les Bowker moved to approve the minutes for the September 14, 2001 meeting. **SECONDED** by Bruce Daniels. **CARRIED – Unanimously (5-0)**

4. Public Forum..... Chair Shallcross

- Henrietta Groot, President of Coastal Alliance on Plant Expansion, expressed concerns for the Morro Bay estuary. She opposes the use of the existing cooling water system due to the negative impact on

the fish larvae taken into the system. She asked the Board to look at the 316 (b) studies on larval losses.

- Jack McCurdy, Coastal Alliance on Plant Expansion read a letter from Colby Crotzer, Morro Bay City Council member, expressing support for dry cooling technology for the Duke Energy Morro Bay Power Plant modernization project.

5. Low Threat Cases Information/Discussion

Executive Officer Briggs discussed low threat cases and waivers of waste discharge requirements. Mr. Briggs responded to Board questions on California-

American Water Company, General Waste Discharge Requirements in Los Osos, and Almeida Subdivision Sediment Removal Project.

6. Uncontested Items Board Motion

Executive Officer Roger Briggs noted that Items 13/Former Unocal Service Station No. 216, Santa Barbara County, and Item 14/Paso Robles Landfill, San Luis Obispo County are on the consent calendar,

and noted the supplemental sheet that updated site diagrams for the landfill. Mr. Briggs extended special thanks to Frank DeMarco for his diligent work on the Paso Robles Landfill order.

MOTION: Bruce Daniels moved to approve Items 13 and 14 (including new diagrams). SECONDED by Leslie Bowker. CARRIED – Unanimously (5-0)

7. MTBE Sites [Jay Cano 805/549-3699] Status Reports

Mr. Jay Cano, Senior Engineer provided an overview of the high priority underground tank cleanup cases in the Central Coast Region. As of the fourth quarter, 2001, all high priority cases have progressed into cleanup action. Also, a few minor corrections were made to the MTBE regionwide list.

been relatively successful in the hydraulic control of the MTBE plume with only slight increases in MTBE within downgradient monitoring wells.

Matthew Keeling, staff Water Resource Control Engineer presented a status report detailing the Pajaro Valley Unified School District’s cleanup of MTBE in shallow groundwater at the District Maintenance Facility/Watsonville High School site. Since August 2000, a groundwater extraction and treatment system consisting of four groundwater extraction wells and a granular activated carbon treatment system has removed, treated, and discharged approximately 1.9 million gallons of groundwater to a storm drain. An estimated 85 pounds of MTBE and 68 pounds of gasoline have been removed from shallow groundwater. MTBE concentrations within the plume core have been reduced from approximately 26,000 parts per billion (ppb) to 5,300 ppb during the first year of operation. The groundwater extraction system has

Sheila Soderberg, staff geologist, presented a status report detailing Chevron Production Company and Equiva Services LLC remedial progress on cleanup of MTBE in groundwater at the Chevron Service Station at 2194 Main Street, Cambria and Shell Service Station at 1840 Main Street, Morro Bay. Ground water extraction and high vacuum dual phase extraction systems at both sites are currently removing petroleum hydrocarbons in soil and ground water. Groundwater samples collected from the onsite and offsite monitoring wells in December 2000 compared to samples collected in 2001 indicate a significant decrease of MTBE detected in the onsite wells. In addition, the groundwater extraction systems appear to be effective in preventing further offsite migration of the MTBE plume in groundwater from reaching sensitive receptors at both facilities.

(Chair Shallcross announced a break at 11:05 a.m. The meeting reconvened at 11:12 a.m.)

8. Enforcement Report [Brad Hagemann 805/549-3697] Status Report

A written report was submitted for this item.

9. City of San Luis Obispo, San Luis Obispo County [Bruce Paine 805/542-4782] Order No. 01-120

Chair Shallcross read an opening statement and all interested parties were sworn in. Staff member Bruce Paine presented an overview of the portion of the California Water Code (CWC) regarding mandatory minimum penalties as it applies to items 9 and 10.

Mr. Paine explained that the proposed Mandatory Penalty was the result of the discharge from the City of SLO (City) Wastewater Treatment Plant having exceeded effluent limitations contained in Waste Discharge Requirements Order No. 95-48. The exceedances mandated a minimum penalty of \$9,000 for three serious violations and \$39,000 for sixteen chronic violations, for a total penalty of \$48,000. Mr. John Moss from the City presented arguments why the

City should not be assessed mandatory penalties, and disputed the validity of the three serious violations. After receiving a legal opinion from Regional Board counsel, the Regional Board directed that the proposed order be modified to convert the three serious violations to chronic violations and then adopted the revised version of Order No. 01-120. The revised order reflected no penalties for serious violations but, nineteen chronic violations for a total penalty of \$48,000.

MOTION: Bruce Daniels moved to approve Mandatory Minimum Penalty Order No. 01-120 with proposed changes and a total penalty of \$48,000. SECONDED by Leslie Bowker. CARRIED – Unanimously (5-0)

10. City of Lompoc, Santa Barbara County [Bruce Paine 805/542-4782] Order No. 01-099

Chair Shallcross read an opening statement and all interested parties were sworn in. The Chair also referenced Mr. Paine’s mandatory penalty overview statement from the previous item, and asked if there was any objection to including that statement in the record for this Lompoc item. There was no objection. Mr. Paine explained that the proposed Mandatory Penalty was the result of the discharge from the City of Lompoc (City) Wastewater Treatment Plant having exceeded effluent limits contained in Waste Discharge Requirements Order No. 95-29. The exceedances mandated a penalty of \$45,000 for fifteen serious violations and \$33,000 for fourteen chronic violations, for a total of \$78,000. Mr. Dale Ducharme of the City presented arguments why the Regional Board should reduce the amount of the penalty. Their argument was based on a provision in the California Water Code (CWC) that allows for a reduction of liability when a single operational upset causes or contributes to the exceedance of multiple constituent limits on the same day.

(To allow staff to research this defense, Chair Shallcross announced a lunch break and closed session {only to discuss those items referenced in the agenda notice for the closed session} at 11:55 a.m. The meeting reconvened at 1:30 p.m and the Board continued with the City of Lompoc case.)

Regional Board counsel advised that the referenced provision in the CWC did not apply because none of the proposed penalties involved violations that occurred on the same day. Counsel also advised the Board to consider the three chlorine residual violations as chronic rather than significant violations and she recommended specific wording changes to the Order to that effect. This revision does not change the penalty amount.

MOTION: Bruce Daniels moved to approve the Mandatory Minimum Penalty Order No. 01-099 as recommended by staff and with wording changes recommended by counsel with a total penalty of \$78,000. **SECONDED** by Jeffrey Young. **CARRIED – Unanimously (5-0)**

15. Unocal Guadalupe Oilfield Cleanup [Katie DiSimone 805/549-3690] Status Report

Water Resources Control Engineer Katie DiSimone, Regional Board project manager for the Guadalupe Oil Field site, delivered a status report regarding project activities and progress. She showed slides of the oil field, excavated areas, and soil stockpiles. She also provided a brief overview of the proposed soil treatment methods for environmental review, pilot test panel process, and interim remedial action at the M12 site. Ms. DiSimone commended Unocal on its compliance with the excavation standards in CAO 98-38.

Board Member Hayashi asked whether beneficial reuse of the contaminated soil as an asphalt mix had been proposed. Ms. DiSimone indicated that diluent-contaminated soil would likely not be a good asphalt mix, as it contains a high portion of low molecular weight, volatile hydrocarbons.

Board Member Daniels, asked whether there were outstanding risks to the site due to the current delay in excavations. He noted that based on the current schedule, environmental review of soil treatment methods could extend to the end of 2003, and mobilization may delay excavations until 2004. Ms. DiSimone clarified that the plumes posing immediate risks to the Pacific Ocean and Santa Maria River due to heavy winter storms, such as those in 1998, have already been excavated. She also stated that Unocal could likely mobilize to excavate plumes in a short period of time.

Mr. Daniels also inquired about the potential release of the low molecular weight, volatile components of diluent during the proposed steam/hot water injection pilot test. Ms. DiSimone clarified that the pilot test would include vapor extraction wells and an air monitoring program.

Mr. Daniels asked whether ex-situ thermal treatment of contaminated soils had been evaluated or proposed. Ms. DiSimone replied that thermal desorption had been reviewed and used for the pre-CAO excavations.

Executive Officer Briggs pointed out, for purposes of scale, that the Avila Beach excavation would have fit into the 5X excavation at Guadalupe oil field. The Avila excavation removed approximately 400,000 gallons of petroleum,, while the 5X excavation removed 300,000 gallons from skimming and 700,000 gallons from extraction prior to excavation.

Chair Shallcross asked whether Unocal owns the property. Ken Smith, Unocal, responded that Unocal had made an offer to purchase the property, but that offer was challenged legally. The issue is still in the courts. Mr. Smith reiterated Unocal’s desire to establish easements to preserve the lease as open space and prevent future development. Mr. Smith also invited Board members to visit the site in person to learn more about the project and habitat.

16. Clean Water Act – Section 303(d) List Update [Angela Carpenter 805/542-4624].....Recommendation

Regional Board staff member Angela Carpenter provided background and a summary of the process for updating the Clean Water Act Section 303(d) List of Impaired Waters (303{d}List). She presented a description of the State Water Resources Control Board’s process for considering changes to the 303(d) List and the Regional Board’s role in providing recommendations to the State Water Resources Control Board. She also explained the process and results of soliciting data/information, the data considerations and evaluation approach applied by staff, and a summary of

additional comments received. Finally, she summarized the proposed changes to the 303(d) List. Staff recommended one additional water body be added to the 303(d) list, the Santa Maria River Estuary for “organochlorine pesticides,” that was not originally presented in the Staff Report.

The Regional Board questioned staff about listing considerations and the State Water Resources Control Board’s proposed listing process.

Ms. Jessica Alstatt, Santa Barbara ChannelKeeper, requested the Regional Board move up the TMDL schedule for at least one TMDL on the south coast, preferably the Pacific Ocean at Mission Creek or the Pacific Ocean at Arroyo Burro Creek.

Ms Jodi Frediani, Citizens for Responsible Forest Management, handed out pictures of timber harvest related problems in Kings Creek and requested San Lorenzo River tributaries be listed for sedimentation/siltation. She also requested that San

Lorenzo River Lagoon not be delisted for sedimentation/siltation.

Board Member Young asked about virus data submitted by Heal the Ocean for the south coast area. Mr. Briggs said it appeared that all Heal the Ocean sampling sites (those with multiple samples) were already covered in some way by existing and proposed listings, with the exception of Carpinteria Marsh. Mr. Briggs recommended the Board direct staff to add Carpinteria Marsh to the listing conditioned on staff evaluating virus and other data more fully.

Motion: Bruce Daniels moved to approve the recommendation that the State Water Resources Control Board consider changes shown in the Staff Report, Attachment Two, for the statewide update of impaired surface waters (referred to as the 303(d) List). Additionally, (1) add Santa Maria River Estuary for "organochlorine pesticides" to the recommendation, (2) keep the San Lorenzo River Estuary Listing for sedimentation/siltation in the recommendation (do not de-list), 3) re-evaluate San Lorenzo River tributaries sedimentation/siltation data/information to determine if additional tributaries (Zayante Creek, Bean Creek, and Kings Creek, at a minimum) should be added to the 303(d) List recommendation, and (4) re-evaluate available information for Carpinteria Marsh pathogens to determine if Carpinteria Marsh should be added to the 303(d) List recommendation. **SECONDED** by John Hayashi. **CARRIED – Unanimously (5-0)**

(Staff Counsel, Jennifer Soloway left the meeting at 3:50 p.m.)

(Chair Shallcross announced a break at 3:55 p.m. The meeting reconvened at 4:05 p.m.)

18. Reports by Regional Board Members..... Status Report

Bruce Daniels shared an article on Scotts Valley Water District and their plans to do inject treated effluent or

to irrigate. Mr. Daniels also shared an article about the mercury TMDL in the San Francisco Bay area.

19. Executive Officer's Report [Roger Briggs 805/549-3140] Information/Discussion

Executive Officer Briggs noted that the Morro Bay Shellfish Technical Advisory Committee has preliminary information from the DNA work commissioned with Dr. Samadpour at the University of Washington. A report will be provided at the February 2002 Board meeting along with a report on sea otters. The Duke Morro Bay Power Plant will be addressed in a status report at the December Board meeting this year. The Los Osos Wastewater Project had a State Revolving Fund timing problem and the Regional Board sent a letter to the State Board asking them to keep Los Osos on the list. The State Board Executive Director was to contact the Los Osos Community Services District with a status on the requested funding. Mr. Briggs noted that the Clean Beaches Initiative Project represents almost \$5.7 million for this region. Mr. Briggs noted that the Regional Board

would be focusing on groundwater issues at the Former Casmalia Hazardous Waste Landfill at an upcoming meeting. The State Board has scheduled a workshop for January 2002 to work on the Update of the Enforcement Policy. Board Member Jeffrey Young asked about the total maximum daily load schedule for south coast listed waters and if any could be accelerated. Mr. Briggs explained that there would be tradeoffs, such as delaying previously scheduled TMDLs. After some discussion, the Board directed Mr. Briggs to evaluate the pathogen TMDL schedule for the Pacific Ocean at Arroyo Burro Creek and/or Mission Creek to determine if these can be scheduled and initiated earlier than currently proposed (and indicate what projects may be delayed as a result). Mr. Briggs announced that all the Board members would be attending the WQCC meeting in November. Mr.

Briggs reported that a workshop was held to address non-point source issues in Santa Barbara. Staff member Julia Dyer provided a presentation at the workshop. Mr. Briggs reported that the USEPA sent a congratulatory letter to the Monterey Regional Water Pollution Control Agency. The Agency was a national finalist in the large, advanced category of the 2001 Wastewater Management Operations and Maintenance Awards Program. The Tajiguas Landfill, operated by the County of Santa Barbara Public Works

Department, received the Solid Waste Association of North America's 2001 Landfill Excellence Silver Award. Stormwater outreach is continuing through the work of Jennifer Bitting, who is providing workshops on stormwater issues and general permits. Mr. Briggs shared the Grant List for the 205(j) and 319 projects. The list will be submitted to the State Board for approval. We are slated to receive four projects (one 205(j) and three 319 projects). Mr. Briggs distributed Regional Board hats to the Board members.

Chairman Shallcross adjourned the public meeting at 4:35 p.m.

The meeting was audio recorded and the minutes were reviewed by management, and approved by the Board at its December 7, 2001 meeting in San Luis Obispo, CA.



Gary Shallcross, Chair